

CHAPTER 18

Building Regulations

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ARTICLE I

Building Codes

Sec. 18-1-10. Title.

The provisions of this Article shall be known and cited collectively as the "City of Central Building Code" or "International Codes." (Prior code 18-1)

Sec. 18-1-20. Codes adopted.

(a) The City adopts by reference the following codes:

(1) *International Building Code*, 2009 Edition, with certain appendices as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795).

(2) *International Fire Code*, 2009 Edition (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795).

(3) *International Residential Code for One- and Two-Family Dwellings*, 2009 Edition, with certain appendices as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795).

(4) *International Mechanical Code*, 2009 Edition, with certain appendices as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795).

(5) *International Plumbing Code*, 2009 Edition, with certain appendices as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795).

(6) *International Energy Conservation Code*, 2009 Edition, with certain appendices as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795).

(7) *International Existing Building Code*, 2009 Edition, with certain appendices as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795).

(8) *ICC/ANSI A117.1 2003 American National Standard – Accessible and Usable Buildings and Facilities*, 2003 Edition (published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, VA 22041).

(9) *International Fuel Gas Code*, 2009 Edition, with certain appendices as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795).

(10) *American National Standards, Safety Code for Elevators and Escalators, ANSE A17.1/CSA B44-2007* (published by the American Society of Mechanical Engineers, 3 Park Avenue, New York, NY 10016-5990).

(b) The subject matter of the aforementioned codes concern regulations to provide minimum standards to safeguard life or limb, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings, structures, plumbing systems and mechanical systems in the City. Unless otherwise noted, the adoption includes all supplements to the codes. (Prior code 18-2)

Sec. 18-1-30. Jurisdiction defined.

(a) Whenever the word *jurisdiction* is used in the International Building Code, it shall be held to mean that area included within the corporate limits of the City or any area hereafter annexed to the City.

(b) Unless otherwise established by resolution of the City Council, the Board of Appeals provided for in the International Building Code to hear appeals relating to the International Codes shall be the City Council. (Prior code 18-3)

Sec. 18-1-40. Penalty.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, demolish, equip, use, occupy or maintain any building or structure or cause to permit the same to be done in violation of any of the International Codes adopted in this Chapter. In addition to other sanctions set forth in the adopted International Codes, a person or entity who violates the provisions of any such International Code shall be subject to the penalties as set forth in Section 1-4-20 of this Code. (Prior code 18-4)

Sec. 18-1-50. Additions and modifications.

(a) Amendments to the International Building Code.

(1) Section 101.1 of the International Building Code is amended to read as follows:

"101.1 Title. These regulations shall be known as the Building Code of the City of Central, hereinafter referred to as 'this code.'

"Note: For the purposes of the City of Central Building Code, the administrative provisions of the International Building Code, International Residential Code, International Mechanical Code, International Plumbing Code, International Fuel Gas Code, International Energy Conservation Code, International Existing Building Code, International Property Maintenance Code, International Fire Code and National Electrical Code are combined under the amended administrative provisions of Chapter 1 of the International Building Code."

(2) Section 101.2.1 of the International Building Code is amended to add the following appendices:

"101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted. The following appendices published by the International Code Council (ICC) are specifically adopted and made part of the City of Central Building Code:

"1. Appendix Chapter I, Patio Covers.

"2. Appendix Chapter J, Grading."

(3) A new Section 101.4.7 of the International Building Code is added to provide as follows:

"101.4.7 Electrical. The provisions of the most current edition of the National Electrical Code enforced by the Colorado State Electrical Board shall apply to the installation of electrical systems, including alterations, repairs, replacements, equipment, appliances, fixtures, fittings and appurtenances thereto.

"Note: For clarification, when any of the International Codes that are adopted by the City refer to the ICC Electrical Code, the reference shall apply to the National Electrical Code."

(4) Section 103.2 of the International Building Code is amended to read as follows:

"103.2 Appointment. The building official shall be appointed by the City Manager of the City of Central."

(5) Section 105.1.1 of the International Building Code regarding annual permits is deleted in its entirety.

(6) Section 105.1.2 of the International Building Code regarding annual permit records is deleted in its entirety.

(7) Section 109.2 of the International Building Code is amended to read as follows:

"109.2 Schedule of permit fees. On buildings, structures, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with Table 1-A of this code.

"Exception: Permits for new buildings, structures, gas, mechanical and plumbing systems shall be paid as part of the new construction general permit."

(8) Section 109.2 of the International Building Code is amended by the addition of the following Subsections to read as follows:

"109.2.1 Plan review fees. When submittal documents are required by Section 107.1, a nonrefundable plan review fee deposit shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent (65%) of the building permit fee as shown in Table 1-A plus actual cost for code consultant.

"The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.2 and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves

deferred submittal items as defined in Section 107.3.4.2, an additional plan review fee shall be charged at the rate shown in Table 1-A."

(9) Section 109.3 of the International Building Code is amended by the addition of Section 109.3.4 to read as follows:

"109.3.2 Building permit valuations. The applicant for a permit shall provide an estimated permit value at the time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. The building official shall set final building permit valuation."

(10) Section 109.5 of the International Building Code is amended by adding the following Subsections to read as follows:

"109.5.1 Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made by the City Manager, or his or her designee, into why a permit was not obtained before a permit may be issued for such work.

"109.5.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in Table 1-A. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law."

(11) Section 109.6 of the International Building Code is amended to read as follows:

"109.6 Fee refunds. The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected if an audit of the project has been performed and the audit shows that the fees were paid incorrectly. If an owner or owner's representative feels that a fee is erroneously paid or collected, an audit may be required by the building official. The audit shall be performed by an auditor selected by the City. The project owner or owner's representative shall pay the cost of the audit.

"The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

"The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

"The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment."

(12) Chapter 1 of the International Building Code is amended to read as follows:

"Building permit fees shall be as established by the City Council by resolution."

(13) Section 303.1 of the International Building Code is amended to read as follows:

"303.1 A-2 Assembly uses intended for gaming, and/or food and/or drink consumption including, but not limited to:

"1. Banquet halls.

"2. Casinos.

"3. Nightclubs.

"4. Restaurants.

"5. Taverns and bars."

(14) Section 903.2 of the International Building Code is amended to add a new subsection 903.2.1.2.1 to read as follows:

"903.2.1.2.1 Group A-2 Casino. An automatic sprinkler system shall be provided throughout every building containing a Group A-2 Casino occupancy. Such sprinkler system shall be provided throughout the entire building including the casinos, offices, multi-purpose areas, storage areas, parking garages, hotel guest rooms and other spaces contiguous and accessory to the building."

(15) Section 905.3 of the International Building Code regarding Standpipe Systems is amended to read as follows:

"905.3 Required installations. Standpipe systems shall be installed where required by sections 905.3.1 through 905.3.6 and in the locations indicated in Sections 905.4, 905.5 and 905.6, except where Class II Standpipe Systems or Class III Standpipe Systems are required, only Class I Standpipe Systems shall be installed. Such Class I Standpipes shall be provided with 1½" x 2½" national standard thread hose adaptors. Standpipe systems are permitted to be combined with automatic sprinkler systems. Standpipes shall penetrate through roof providing fire department access."

(16) Section 907.2.1, Fire alarm and detection systems, of the International Building Code is amended by the addition of Section 907.2.1.3, Group A-2 Casino, to read as follows:

"907.2.1.3 Group A-2 Casino. An automatic and manual fire alarm system shall be installed in accordance with NFPA 72 and the provisions of this code throughout every building containing a casino. Such fire alarm system shall be provided throughout the casino and in offices, stages, and storage areas, parking garages, hotels and other accessory spaces contiguous and accessory to such casino."

(17) Section 1608.2 of the International Building Code is deleted in its entirety and replaced with the following:

"1608.2 Ground snow loads. The design ground snow load the City of Central is 70 pounds per square foot."

(18) Section 1609.3 of the International Building Code is deleted in its entirety and replaced with the following:

"1609.3 Basic wind speed. The minimum basic wind speed for any site within the limits of the City of Central shall be 120 miles per hour, 3-second gust wind speed."

(19) Section 1612.3 of the International Building Code is deleted in its entirety and replaced with the following:

"1612.3. Establishment of flood hazard areas. To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled 'The Flood Insurance Study for the City of Central,' dated October 1991, as amended or revised, with the accompanying Flood Insurance Rate Map (FIRM) Panel Number – 080077 0001 C dated February 16, 1994, and Flood Boundary and Floodway Map (FBFM) and related supporting data, along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be a part of this section."

(20) Section 1809.5, Item 1 of the International Building Code is deleted in its entirety and replaced with the following:

"1809.5 Frost protection. Except where otherwise protected from frost, foundation footings, walls, piers and other permanent supports of buildings and structures larger than 400 sq. ft. in area shall extend to a depth of at least 36 inches, or bear upon solid bedrock."

(21) Section 3001.5, Handrails, of the International Building Code is deleted in its entirety and replaced with the following:

"A handrail shall be provided on one (1) wall of the car, preferably the rear. The rails shall be smooth and the inside surface at least at least 1½ inches (38 mm) clear of the walls at the nominal height of 32 inches (813 mm) from the floor. Nominal = +1 inch (25 mm)."

(22) Section 3401.3 of the International Building Code is amended to read as follows:

"Compliance with other codes. Alterations, repairs, additions and changes of occupancy to existing structures shall comply with the provisions of the existing adopted primary and secondary codes."

(23) Section 3410.2 of the International Building Code is amended by the insertion of the phrase "Upon the effective date of the Ordinance adopting this Code" where a date is indicated.

(b) Amendments to the *International Fire Code*.

(1) Section 101.1 of the International Fire Code is amended to read as follows:

"101.1 Title. These regulations shall be known as the Fire Code of the City of Central, hereinafter referred to as 'this code'."

(2) Section 101.2.1 of the International Fire Code is amended to read as follows:

"101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted. The following appendices published by the International Code Council (ICC) are specifically adopted and made part of the City of Central Fire Code:

"1. Appendix B – Fire Flow Requirements for Buildings.

"2. Appendix C – Fire Hydrant Locations and Distribution.

"3. Appendix J – Emergency Responder Radio Coverage."

(3) Section 103.2, Department of Fire Prevention, of the International Fire Code is amended to read as follows:

"103.2 Appointment. The fire code official shall be appointed by the City of Central Fire Chief."

(4) Section 202, "Occupancy Classification" definition, of the International Fire Code is amended to read as follows:

"A-2 Assembly uses intended for food and/or drink consumption including, but not limited to:

"1. Banquet halls.

"2. Casinos.

"3. Nightclubs.

"4. Restaurants.

"5. Taverns and bars."

(5) Section 510.3 of the International Fire Code is amended to read as follows:

"510.3 Emergency responder radio coverage in existing buildings. Existing buildings that do not have approved radio coverage for emergency responders within the building shall be permitted to be equipped with such coverage according to one of the following:

"1. Appendix J – Emergency Radio Responder Coverage; or

"2. IFC Section 510.2."

(6) Section 903.2 of the International Fire Code is amended to add a new subsection to read as follows:

"903.2.1.2.1 Group A-2 Casino. An automatic sprinkler system shall be provided throughout every building containing a Group A-2 Casino occupancy. Such sprinkler system shall be provided throughout the entire building, including the casinos, offices, multi-purpose areas, storage areas, parking garages, hotel guest rooms and other spaces contiguous and accessory to the building."

(7) Section 905, Standpipe Systems, of the International Fire Code is amended to read as follows:

"905.3 Required installations. Standpipe systems shall be installed where required by sections 905.3.1 through 905.3.6 and in the locations indicated in Sections 905.4, 905.5 and 905.6, except where Class II Standpipe Systems or Class III Standpipe Systems are required, only Class I Standpipe Systems shall be installed. Such Class I Standpipes shall be provided with 1½" x 2½" national standard thread hose adaptors. Standpipe systems are permitted to be combined with automatic sprinkler systems. Standpipes shall penetrate through roof providing fire department access."

(8) Section 907, Fire Alarm and Detection Systems, of the International Fire Code is amended by the addition of Section 907.2.1.2 to read as follows:

"907.2.1.2 Group A-2 Casino. An automatic and manual fire alarm system shall be installed in accordance with NFPA 72 and the provisions of this code throughout every building containing a casino. Such fire alarm system shall be provided throughout the casino and in offices, stages, and storage areas, parking garages, hotels and other accessory spaces contiguous and accessory to such casino."

(c) Amendments to the *International Residential Code*.

(1) Section R202, Definitions, Townhouse, of the International Residential Code shall be amended as follows:

"A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation or from a 2-hour-fire-resistance-rated garage-ceiling assembly to the roof with open space on at least two sides."

(2) Section R302.2, Townhouses, of the International Residential Code is deleted and replaced as follows:

"R302.2 Townhouses. Each townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of section R302.1 for exterior walls.

"Exceptions:

"1. A common 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with section R302.4.

"2. A common 1-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses provided with fire suppression sprinkler systems in accordance with section P2904. Such common walls shall not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with section R302.4.

"3. A common 2-hour fire-resistance-rated horizontal assembly shall be permitted to separate a private garage or garages not owned or otherwise used by a dwelling unit or units located above. Such fire-resistance-rated assemblies shall be supported by walls or structure having a 2-hour fire-resistance-rating in accordance with ASTM E 119 or UL 263. Penetrations of mechanical equipment, ducts or vents shall be protected in accordance with section 716.6 of the IBC. Electrical installations shall be installed with Chapters 33 through 42. Penetrations of electrical outlet boxes shall be in accordance with section 302.4. Door openings through fire-resistance-rated assemblies shall be protected with 90 minute-rated opening protectives in accordance with section 715.4 of the IBC."

Remainder of Section to remain unchanged.

(3) Table R301.2(1) of the International Residential Code is amended by the addition of the following design criteria:

**"Table R301.2(1)
Climatic and Geographic Design Criteria**

Ground Snow Load:	70 PSF
Wind Speed:	120 MPH (3-second gust velocity)
Topographical Effects	No reported history
Seismic Design Category:	B
Weathering:	Severe
Frost Depth:	36"
Termite:	Slight to Moderate
Winter Design Temp:	0°F
Ice Barrier Underlayment Required	Yes
Air Freezing Index:	200°
Mean Annual Temp:	40°F
Flood Hazards:	The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled, "The Flood Insurance Study for the City of Central," dated October 1991, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) Panel Number – 080077 0001 C dated February 16, 1994, and Flood Boundary and Floodway Map (FBFM) and related supporting data, along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be a part of this section."

(4) Section R313 of the International Residential Code is deleted in its entirety.

(d) Section 301.1 of the International Energy Conservation Code is amended as follows:

"301.1 General. Climate zone 5B shall be used in determining the applicable requirements from Chapters 4 and 5."

(Prior code 18-5)

ARTICLE II

Building Moving and Demolition

Sec. 18-2-10. Purpose.

The purpose of this Article is to provide a system by which moving and demolition of structures and buildings shall be regulated. The primary intent is to preserve the historical integrity and architectural character of the City through preservation, retention and maintenance of all structures designated by the City as "contributing" in their original locations. This Article also seeks to protect

nonrated structures which contribute to a neighborhood's historical integrity, to maintain existing streetscapes and alleyscapes and to preserve and enhance the traditional mass and scale of the City's architecture. A further purpose is to preclude the relocation of any rated or unrated structure to a site outside the City. (Prior code 18-111)

Sec. 18-2-20. General.

(a) No demolition or removal of any contributing or rated structure or building within the Central City National Historic Landmark District (hereinafter "NHLD") shall be permitted, unless the demolition is first approved by the Historic Preservation Commission (hereinafter, "HPC"), in accordance with the standards of Section 18-2-40 below.

(b) No relocation of a rated structure or building located within or from the NHLD shall be permitted, unless the relocation or move is first approved by the HPC in accordance with the standards of Section 18-2-50 or Section 18-2-130 of this Article.

(c) No demolition of a nonrated structure or building located within the NHLD shall be permitted, unless the demolition is first approved by the HPC in accordance with the standards of Section 16-11-60 of this Code and Subsection 18-2-40(b) below.

(d) No relocation of any nonrated structure within the City shall be permitted unless the relocation is first approved by the HPC in accordance with the standards of Subsection 18-2-50(b) of this Article.

(e) No owner of a rated structure and no lessee of a rated structure who is obligated by such lease to maintain and repair the structure (other than the interior), shall allow, cause or permit the structure to suffer or experience demolition by neglect.

(f) The partial demolition of a structure which occurs solely as part of a remodel, alteration or addition to an existing structure shall only be subject to the applicable review and approval requirements of Chapter 16, Article XI of this Code.

(g) In the event of any conflict or inconsistency between the provisions of this Article and Chapter 16 of this Code, the provisions of this Article shall control. (Prior code 18-112)

Sec. 18-2-30. Definitions.

As used in this Article, the following terms and phrases shall have the following meaning:

Contributing structures means those structures or buildings which exist in comparatively original condition or which have been appropriately restored and clearly contribute to the historical significance of the City.

Demolition means the total or partial destruction, damage, razing, arson or tearing down of a structure or any portion thereof. The term includes the removal of any material constituting part of the structure other than for purposes of ordinary maintenance or repair, which removal affects the exterior appearance of the structure or which reduces the stability or longevity of the structure.

The term excludes the sudden or cataclysmic destruction of or damage to a structure due to acts of God including fire, earthquake, wind, flood or avalanche.

Demolition by neglect means any total or partial destruction of or damage to a structure or any portion thereof due to the failure of an owner or lessee of the structure to adequately maintain and repair the structure.

Local landmark means those structures which have been designated pursuant to Chapter 16, Article XI of this Code.

Nonrated structure means a structure or building identified as "noncontributing with qualifications" or as "noncontributing without qualifications" in the 1987 National Register of Historic Places Registration Form, revised 1990 (hereinafter "Register").

Originating site means the lot or parcel of land on which a relocated structure was situated prior to its relocation.

Rated structure means a structure or building identified as "contributing" in the Register.

Receiving site means the lot or parcel of land on which a structure is situated after its relocation.

Relocation means moving a structure to a new location within the City.

Removal means the act of moving a structure from its present location in the City. The term *removal* includes relocation, but not repositioning, of a structure.

Reposition means the relocation of a structure within the same lot or parcel of land on which the structure is situated.

Residential building means a structure or building designed, built and historically used as a residence for human habitation, whether currently so utilized or not and whether or not so utilized at all times in its history, and including outbuildings associated with a residence and designed and built as accessory to the principal residence. (Prior code 18-113)

Sec. 18-2-40. Standards for review of demolition.

(a) No demolition of a rated structure within the NHLD shall be approved unless the HPC finds that all of the following standards have been met:

(1) The structure cannot be rehabilitated or reused on site as part of any reasonable beneficial use of the property.

(2) The structure proposed for demolition is structurally unsound despite efforts by the owner to properly maintain the structure.

(3) The structure cannot be practically moved to another site within the NHLD.

(4) The demolition proposal mitigates to the greatest extent practical any impact to the character of the "neighborhood" of the property on which the demolition is proposed to occur.

(5) The historical integrity and architectural character of the area where the proposed demolition of a structure is to take place will not be substantially diminished or compromised. For the purposes of this Section, the term *architectural character* shall include, but is not limited to, height, coverage, setbacks, massing, siting, fenestration, streetscape, alleyscape, materials and scale of materials.

(6) Subsequent development on the property will add to the architectural character of the neighborhood more than the structure to be demolished.

(7) The demolition proposal mitigates to the greater extent practical any impact to the historical importance of any other structures located on the property and on adjacent parcels and on the integrity of the NHLD.

(8) The demolition proposal mitigates to the greatest extent practical any impact on the architectural character of a designated historical structure or part thereof.

(9) The applicant has agreed to redevelop the originating site after demolition pursuant to an approved redevelopment plan which provides for a replacement structure, which plan is compatible with and/or enhances the historical integrity and architectural character of the immediate area, neighborhood and the NHLD. This standard may be waived by the HPC if the applicant agrees to deed-restrict the property to open-space uses, and the HPC finds that such restriction constitutes a greater benefit to the NHLD or the City than redevelopment would.

(b) No demolition of a nonrated structure shall be approved unless the HPC finds that the standards of Paragraphs (a)(4) through (a)(8) above are met. (Prior code 18-114)

Sec. 18-2-50. Standards of review for relocation.

(a) No relocation of rated structures within the NHLD except as permitted under Sections 18-2-130 through 18-2-180 of this Article shall be approved unless the HPC finds that all of the following standards have been met:

(1) The structure cannot be rehabilitated or reused on its originating site as part of any reasonable beneficial use of the property.

(2) The relocation activity is demonstrated to be the best method for preservation of the character and integrity of the structure, and the historical integrity of the existing neighborhoods and of structures adjacent to the receiving and originating sites will not be diminished due to the relocation.

(3) The structure to be relocated must retain sufficient historical features, integrity of design, materials, workmanship, feeling and associations, so as to continue to convey its architectural significance.

(4) The historical and present orientation, immediate setting and general environment of the relocated structure at the receiving site must be compatible with the architectural qualities and/or historical associations of structure in the neighborhood of the receiving site.

(5) The historical character and architectural integrity of the area of the proposed receiving site, the originating site (if located in the City), and of the structure itself, will not be substantially compromised or diminished, and the proposal for subsequent development on the originating site will add to the character of the neighborhood more than the structure to be moved.

(6) The structure has been demonstrated to be capable of withstanding the physical impacts of the relocation and resiting, based on a structural report by a licensed engineer attesting to the soundness of the structure proposed for relocation.

(7) The applicant has agreed to comply with a preservation, rehabilitation and restoration plan for the relocated structure which has received the approval of the HPC pursuant to the provisions and requirements of Chapter 16, Article XI of this Code.

(8) The receiving site is compatible in nature to the structure proposed to be moved, the character of the neighborhood is consistent with the architectural integrity of the structure and the relocation of the structure would not diminish the integrity or character of the neighborhood of the receiving site.

(b) No relocation of a nonrated structure shall be approved unless the HPC finds that the standards of Paragraphs (a)(6) through (a)(8) above are met. (Prior code 18-115)

Sec. 18-2-60. Submission requirements.

(a) For relocation or demolition requests involving local landmarks and rated structures located within the NHL, the applicant shall submit in triplicate a written application which shall include:

(1) Elevations, drawings, plans, statements and other materials which satisfy the requirements for applications under Chapter 16 of this Code and Articles I, II and III of this Chapter, for any replacement structure or structures to be erected or constructed pursuant to a development plan;

(2) A report from a licensed engineer or architect regarding the soundness of the structure and its suitability for rehabilitation;

(3) An economic feasibility report prepared by an architect, developer, appraiser or other person who is experienced in rehabilitation of structures that addresses:

a. The estimated market value of the property on which the structure lies, both before and after demolition or removal, and

b. The feasibility of rehabilitation or reuse of the structure proposed for demolition or partial demolition;

(4) A statement addressing compliance with each applicable standard for review for demolition or relocation; and

(5) A redevelopment plan for any originating, receiving or demolition site, and a statement of the effect of the proposed redevelopment on the architectural and historical qualities of other structures and the character of the neighborhood around the sites.

(b) For relocation requests involving nonrated structures within the NHLD and the City, the applicant shall submit in triplicate a written application which shall include:

(1) A redevelopment plan for the receiving site, and a statement of the effect of the proposed redevelopment on the architectural and historical qualities of other structures and the character of the neighborhood around the site;

(2) Applications shall be submitted to the Historic Preservation Administrator at least sixteen (16) days prior to the next regularly scheduled meeting of the HPC. The application shall be put on the agenda for a hearing at such meeting if the application is determined to be complete by the Historic Preservation Administrator. Incomplete applications shall not be put on the agenda for hearing;

(3) The HPC may require the applicant to submit such additional information and exhibits as it deems reasonably necessary to enable the HPC to review the application, including, but not limited to, historic photographs; and

(4) Upon receipt of a complete application for requests within the City, the Historic Preservation Administrator shall schedule a site visit for the HPC to review such application. Any site visit shall be considered as part of the public hearing, for which notice shall be provided in accordance with applicable notice requirements.

(c) For demolition requests involving nonrated structures within the NHLD and the City, a certificate of appropriateness under the provisions of Section 16-11-60 of this Code shall be required. (Prior code 18-116)

Sec. 18-2-70. Fees.

(a) Applications for relocation, removal or demolition of any structure subject to the provisions of this Article shall be accompanied by a fee according to the following schedule:

Local Landmarks; rated structures	\$500.00
Nonrated structures	100.00

(b) The City Council may waive or reduce the above fees in consideration of hardship circumstances for residential properties. (Prior code 18-117)

Sec. 18-2-80. Certificate of appropriateness required.

(a) The relocation of any structure, and the demolition of any rated structure located within the City, shall be prohibited unless a certificate of appropriateness for such activity has been issued in accordance with the provisions of this Article and the applicable provisions of Chapter 16, Article XI of this Code.

(b) No building permit for demolition or relocation shall be issued unless the Building Official has also issued a total building permit for the replacement structure.

(c) A certificate of appropriateness authorizing demolition shall become effective after a reasonable amount of time has elapsed, as determined by the HPC, after permit approval, provided that such time may not be less than one (1) month. The applicant shall be encouraged to sell or reclaim the structure and materials to be demolished or to permit others to salvage them in order to provide an opportunity for others to purchase or reclaim the building or its materials for use in the City. The applicant may be required to advertise the availability of the structure and materials for sale or salvage in a newspaper of general circulation within the City on at least three (3) occasions prior to demolition. (Prior code 18-118)

Sec. 18-2-90. Public notice required.

Upon receipt by the Historic Preservation Administrator of a complete application for an approval of a certificate of appropriateness for the demolition of any rated structure or for the relocation of any structure within the City, the HPC shall cause notice of a public hearing to consider the application to be mailed and published prior to the hearing in accordance with the notice requirements of Chapter 16, except that only five (5) days' advance mailing and publication shall be required. (Prior code 18-119)

Sec. 18-2-100. Voting.

Unless otherwise required by this Article or Chapter 16, Article XI of this Code, any action by the HPC in administering the provisions of this Article may be authorized upon the affirmative vote of a simple majority of the HPC when a quorum is present. (Prior code 18-120)

Sec. 18-2-110. Penalty.

(a) Any person who intentionally causes, intentionally permits or knowingly fails to prevent the unauthorized demolition, removal or relocation of a rated structure which the person owns or leases, who has knowingly permitted demolition by neglect of any rated structure which such person owns or leases, or who has violated any provision of this Article, may be punished in the Municipal Court by a fine of up to the estimated cost of repair, restoration and relocation of the structure to the originating site, or the cost of replacement of the structure at its originating site, whichever cost is greater (including engineering, materials and labor). Such fine may be suspended on the condition that the person agrees to repair, restore, replace and/or relocate the structure in a manner acceptable to the HPC and posts a bond or suitable collateral with the City for such work.

(b) In case any structure is demolished in violation of this Article, no replacement structure shall exceed the height and the floor square footage of the demolished building, and the uses of the replacement structure shall only be those uses that were permitted for the demolished structure prior to the effective date of the constitutional amendment that authorized limited gambling in the City.

(c) In addition, upon commencement of any prosecution in Municipal Court pursuant to Subsection (a) above, the HPC shall be authorized to impose a temporary moratorium on the issuance of building permits or certificates of occupancy for the property from which a structure was

demolished, removed or relocated. Such moratorium shall remain in effect for the duration of the prosecution and any appeal therefrom.

(d) Notice of restrictions imposed pursuant to Subsection (b) above shall be recorded with the County Clerk and Recorder by the HPC.

(e) The penalty provisions of this Section are cumulative and are in addition to any other remedies at law or in equity or any other judicial or administrative remedies (including abatement) which may be available to the City. (Prior code 18-122)

Sec. 18-2-120. Appeals.

Any person aggrieved by the approval or denial by the HPC of an application of relocation or demolition may appeal such action to the City Council in accordance with the provisions of Chapter 16, Article XI of this Code. A moratorium on the proposed relocation or demolition shall be in effect until final action on the appeal by the City Council. (Prior code 18-123)

Sec. 18-2-130. Standards for review of relocation of residential buildings within Historic Downtown Gaming (HDG) and Gregory Gulch Gaming (GGG) Zoning Districts.

(a) A rated residential building (hereinafter "rated building") in the HDG or the GGG Zoning Districts may be relocated from its historic site only if all of the following standards have been met:

(1) A significant loss of integrity of setting, feeling and association of the rated building has occurred as follows:

a. New work or construction, planned or completed, in the Neighborhood District of the originating site as defined in the design guidelines is of such a larger scale that it overwhelmed or will overwhelm the rated building.

b. That a feasibility study provided by the applicant demonstrates to the HPC by a preponderance of the evidence that no adaptive use or uses, including repositioning of the rated building consistent with the applicable Design Guidelines, are preferable to relocation. For the purpose of this Section, *adaptive use* shall mean a use different from the original or current use of the building, interactive with the proposed use of the originating site, incorporated into, surrounded by or placed adjacent to new, larger scale construction on the originating site.

1. The feasibility study shall be conducted by a person known to the City as being experienced in the area of historic preservation.

2. The HPC shall approve the feasibility study, excepting the conclusions contained therein; reject the study in total; or require further information. A request for further information shall not delay an application pursuant to this Section beyond thirty (30) days.

c. The relocation activity is demonstrated to be the best method for preservation of the character and integrity of the rated building, and the historic integrity of the buildings adjacent to the receiving and originating sites will not be diminished due to the relocation.

(2) The rated building to be relocated must maintain sufficient historical features, integrity of design, materials, workmanship, feeling and associations, so as to continue to convey its architectural significance.

(3) The present orientation, immediate setting and general environment of the relocated rated building at the receiving site must be compatible with the architectural qualities and/or historical associations of buildings in the neighborhood of the receiving site.

(4) The historic character and architectural integrity of the area of the proposed receiving site, and the rated building itself, will not be substantially compromised or diminished, and the proposal for subsequent development on the originating site will add to the character of the neighborhood consistent with the Design Guidelines.

(5) The rated building has been demonstrated to be capable of withstanding the physical impacts of the relocation and resetting, based on a structural report by a licensed engineer attesting to the soundness of the building proposed for relocation.

(6) The applicant has agreed to comply with a preservation plan for the relocated rated building which has received the approval of the HPC pursuant to the provisions and requirements of Chapter 16, Article XI, of this Code.

(7) The receiving site is compatible in nature with the rated building proposed to be moved and contains existing historic buildings of compatible context and scale, the character of the neighborhood is consistent with the architectural integrity of the rated building and the relocation of the rated building would not diminish the integrity or character of the neighborhood of the receiving site.

(8) The rated building will not be combined with another building, either existing in the receiving area or relocated to the receiving area, unless approved by the HPC.

(b) A nonrated residential building in the HDG or the GGG may be relocated from its historic site only if the provisions of Subsection 18-2-50(b) of this Article have been met. (Prior code 18-124)

Sec. 18-2-140. Fees and costs.

(a) In addition to the fees required by Section 18-2-70 of this Article, and prior to the issuance of a building permit for relocation of a rated residential building, an irrevocable letter of credit acceptable in form to the City Attorney must be furnished by the applicant to assure the completion of the relocation and restoration in the manner and time approved. Said guarantee shall be in an amount equal to one hundred twenty-five percent (125%) of the total estimated cost of relocation, acquisition of the receiving site and restoration of the relocated building.

(b) As an alternate guarantee to the irrevocable letter of credit in Subsection (a) above, the applicant may, prior to the issuance of a building permit, place funds in an escrow account to be held in trust until released by the City. The City may release a portion of the funds on a monthly basis equal to up to ninety-five percent (95%) of the cost of the work completed to that date, provided that the remaining funds in the account will cover the remaining costs of relocation, acquisition of the

receiving site and restoration of the relocated building. In the event the applicant fails to complete the relocation and restoration in compliance with all of the applicant's permits and approvals, the bank shall immediately make all funds in escrow available to the City for completion of the relocation and renovation. The amount of said escrow account shall be as stated in Subsection (a) above. (Prior code 18-125)

Sec. 18-2-150. Relocation of rated residential building.

(a) The relocation of any rated residential building shall be prohibited unless a certificate of appropriateness for such activity as been issued in accordance with the provisions of this Article and the applicable provisions of Chapter 16, Article XI, of this Code.

(b) No building permit for relocation of a rated residential building pursuant to Section 18-2-130 above shall be issued unless the appropriate City approval, whether planned unit development approval, special review use approval or building permit, has been issued for the replacement building.

(c) No certificate of occupancy or temporary certificate of occupancy may be issued for the replacement building until a certificate of occupancy has been issued for the relocated rated residential building. A certificate of occupancy must be issued for the relocated rated residential building within six (6) months of the issuance of the building permit for relocation or the applicant shall be in violation of this Article.

(d) The relocation of a rated residential building shall not receive a certificate of appropriateness unless the applicant has provided the City with detailed photographs, notes and drawings which accurately record the exterior design, character of interiors, finishes and general structural systems, including overall building dimensions, setbacks and relation to adjacent buildings on the originating site. (Prior code 18-126)

Sec. 18-2-160. Submission requirements.

Submission requirements for the relocation of a rated residential building pursuant to Section 18-2-130 of this Article shall be those requirements contained in Subsection 18-2-60(a). (Prior code 18-127)

Sec. 18-2-170. Public notice required.

Public notice requirements of Section 18-2-90 of this Article shall apply to the relocation of a rated residential building. (Prior code 18-128)

Sec. 18-2-180. Penalty.

(a) Any person failing to comply with this Article shall be subject to the fines and penalties as set forth in Section 1-4-20 of this Code.

(b) Failure to comply with any provisions of Sections 18-2-130 through 18-2-170 of this Article shall result in a forfeiture of the irrevocable letter of credit called for in Section 18-2-140 of this Article. The City may make any appropriate use of such letter of credit to complete the relocation,

restore the rated building to its original site or such other action as the City determines to be appropriate in its sole discretion. (Prior code 18-129)

ARTICLE III

Blasting and Use of Explosives

Sec. 18-3-10. Definitions.

As used in this Article, the following words shall be construed to have the meanings defined below:

Blasting operations. The use of explosives within the City.

Blasting permit. A permit issued by the City in accordance with the provisions of this Article to allow blasting operations within the City.

Blasting plan. The plan for conduct of any blasting operations, and any amendments thereto, which have been approved by the City as provided in this Article.

Explosives. Any material or container containing a chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustible materials or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by compound or by mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, but shall not mean the components for hand-loading rifle, pistol and shotgun ammunition, or fireworks.

Seismograph. The seismograph shall be capable of the following: measuring three (3) wave components; vertical, longitudinal and transverse; equipped with a self-triggering device; automatically calculate peak particle velocity; provide a hard copy of the wave forms; event summary on disk with internal disk storage system to store as many events as may occur each day. (Prior code 18-158)

Sec. 18-3-20. Permit required.

(a) The manufacture, storage and use of explosives within the City is to be governed by this Article, which shall be known as the Blasting Ordinance of the City. It shall be unlawful to manufacture, store or use explosives except in compliance with this Article. A blasting permit issued by the City shall be required for the use of any explosives within the City. In order to obtain a permit, the applicant must have met all of the state or federal law, ordinance, rule and regulation. A blasting permit is personal to the individual to whom it is issued and may not be assigned.

(b) A building or excavation permit is required before a blasting permit will be issued. A blasting permit must be issued forty-eight (48) hours prior to blasting.

(c) Central City Opera House Association is exempted from the requirements of this Article for Opening Day celebrations. (Prior code 18-159)

Sec. 18-3-30. Qualifications for permit.

In order to obtain a blasting permit, the applicant must:

(1) Have been issued a current explosives permit issued by the Colorado Department of Employment and Training pursuant to Section 9-7-101, et seq., C.R.S.

(2) Provide proof of workers' compensation insurance and general liability and property damage insurance coverage in an amount of at least one million dollars (\$1,000,000.00).

(3) Provide a corporate surety bond in the principal sum of five hundred thousand dollars (\$500,000.00) or public liability insurance policy for the same amount for the purpose of the payment of damages to persons or property which arise from, or are caused by, the blasting operations of a holder of a blasting permit.

(4) Provide evidence that the permittee is state certified in surface blasting operations. (Prior code 18-160)

Sec. 18-3-40. Blasting operations.

(a) Blasting and drilling operations shall be conducted in accordance with this Chapter.

(b) Explosives may only be handled by the permittee.

(c) No person shall be on the property for which a blasting permit is issued or explosive materials are being handled or stored, while under the influence of alcohol, intoxicants, narcotics or other DEA-controlled substances during blasting operations, or at any other time.

(d) No person for which a blasting permit is issued shall smoke tobacco or any other substance within fifty (50) feet of any explosive material or have in his or her possession any matches, lighters or other spark-producing materials during blasting operations.

(e) No open flames shall be allowed on the property for which a blasting permit is issued during blasting operations.

(f) Only nonelectric initiation systems with 25 ms delay intervals may be used. Electric detonators or blasting caps are allowed only for the initiation of the blast.

(g) Prior to firing a blast, the permittee shall make certain that surplus explosive materials are in a safe place and that all persons and vehicles are at a safe distance or under sufficient cover.

(h) The permittee shall remove all debris, blasting caps and other materials related to the blasting operations from the site prior to leaving the site each day of blasting operations.

(i) All blasting and drilling operations shall be conducted according to the Fire Code as adopted by the City. (Prior code 18-161)

Sec. 18-3-50. Notification prior to blasting operations.

(a) The Fire Department shall be notified thirty (30) minutes prior to any ignition of an explosive.

(b) The permittee must comply with the requirements of Section 9-1.5-101, et seq., C.R.S., regarding location of underground facilities prior to any blasting operations.

(c) The occupants of all property within two hundred (200) feet of the property for which a blasting permit is issued must be notified at least twenty-four (24) hours in advance by placing a notice on the door of all buildings within such area, and the permittee shall certify that such notice has been provided in writing to the City. Two (2) minutes prior to any blasting operations, the permittee will warn of the shot by use of an air horn that is clearly audible within such area. (Prior code 18-162)

Sec. 18-3-60. Blasting plan.

The permittee must submit, as part of the permit application, a detailed plan of the proposed blasting operations. All blasting operations shall be conducted in strict accordance with the approved blasting plan. Any changes to the planned blasting operations must be submitted as an amendment to the blasting plan to the City. The plan shall include:

(1) A map with north indicated by arrow, depicting the property for which a blasting permit is sought; the work area relative to any structures or other underground or overhead explosive materials to be used in the blast before, during and after each blast; the spacing, depth and diameter of bore holes; the area to be cleared of vehicles and persons immediately prior to and during any blast; and anything else required by applicable law, rule or regulation, or which the City determines is necessary to reasonably protect the public, health, safety and welfare of the residents of the City.

(2) A description of the maximum amount of explosives per day; the type of explosive product used; the method of ignition of the explosive; the loud warning signal that is to be sounded prior to each blast; the manner of locating and detonating any misfires; the manner in which qualified emergency and utility personnel are to be put on notice and called to respond in the event of an emergency; the manner of clearance of the site after blasting operations, including returning the site to its original condition; and anything else required by applicable law, rule or regulation, or which the City determines is necessary to reasonably protect the public, health, safety and welfare of the residents of the City. (Prior code 18-163)

Sec. 18-3-70. Blasting specifications.

(a) The maximum bore hole diameter shall be whatever is determined by the blaster as safe based upon a nationally accepted standard.

(b) The minimum bore hole depth shall be whatever is determined by the blaster as safe, based upon a nationally accepted standard.

(c) A seismograph must be used to monitor vibrations next to a structure when a structure is less than two hundred (200) feet from a borehole loaded with explosives. Seismographs may be required to be used by the City for structures farther away than two hundred (200) feet on a case-by-case basis.

(d) Explosive shall be used as determined by the blaster as safe based upon a nationally accepted standard.

(e) All boreholes containing explosives shall be adequately covered. Absent extenuating circumstances, adequate coverage may be blasting mats when the distance to the nearest structure is less than or equal to two hundred fifty (250) feet, and earth cover when the borehole is more than two hundred fifty (250) feet from the nearest structure.

(f) No blasting may occur within ten (10) feet of a structure unless determined by the blaster to be safe based upon a nationally accepted standard.

(g) Areas from which fugitive dust particulate emissions will be emitted shall be required to use all available and practical methods which are technologically feasible in order to minimize such emissions. All state and federal requirements shall be complied with during drilling and blasting operations. (Prior code 18-164)

Sec. 18-3-80. Manufacture and storage of explosives.

Explosives may not be manufactured anywhere in the City. Explosives may not be anywhere other than locations approved by the Fire Chief in writing. However, explosives may be stored at the location of blasting operations in accordance with the terms of a blasting plan and storage permit that is required to store explosives in the City. (Prior code 18-165)

Sec. 18-3-90. Corrective measures.

(a) The City, upon discovery of any defect in the work or for the permittee failing to complete the blasting operations or removal of debris for which a blasting permit is issued, may:

(1) In the event of an emergency, order a private contractor to do everything necessary to complete such work to acceptable standards, particularly where hazards exist due to the failure of the permittee to restore or maintain the site in accordance with the provisions and conditions of his or her permit.

(2) In the event of a nonemergency, give notice to the permittee and his or her sureties in writing of the nature and location of such defects, including notice of a reasonable time, not less than fourteen (14) calendar days, within which such defects are to be repaired. Such period of time may be extended by the City upon application for good cause shown.

(3) In the event of failure of the permittee to perform the required work within the period provided by such notice, a private contractor on order of the City shall make such repairs as may be necessary.

(b) The City shall recover any and all costs of work performed by its personnel or by a private contractor, including the cost of labor, equipment, materials and administrative costs at the expense of

the permittee, by applying any deposit, bond, letter of credit or other security in its possession to payment thereof, and shall recover any remaining unpaid balance of such costs from the permittee. (Prior code 18-166)

Sec. 18-3-100. Revocation of permit.

The City may revoke the permit granted by this Article if the applicant is found to have violated any of the provisions listed above, or in any of the following circumstances:

- (1) The permittee violates any of the provisions of the ordinances of the City governing the activities permitted by the permit;
- (2) The permittee obtains a permit by fraud or misrepresentation;
- (3) Revocation is necessary to maintain the public health, safety and welfare; or
- (4) The permittee fails to maintain the required insurance, bond, letter of credit or other guarantee of performance during the course of the construction and of the warranty period specified by the City.

The City shall advise the permittee in writing of the grounds for revocation of the permit, and the permittee may be allowed to appeal such revocation to the City Council. (Prior code 18-167)

Sec. 18-3-110. Violation and penalties.

(a) In addition to any other penalties authorized by this Code, the City is authorized to enforce this Article by injunction, including both the enjoining of contemplated actions or inactions in violation of this Article, including excavation or fill activities undertaken without or in violation of the terms of a permit; and mandatory injunction to require the removal of excavation or fill accomplished without or in violation of the terms of such a permit. In any such injunction action, the City shall be awarded its costs of suit and any costs incurred in the removal of fill and/or restoration of areas where fill or excavation activities have been undertaken in violation of the provisions of this Article.

(b) In addition, the City shall be entitled to recover its attorneys' fees incurred in bringing any action to compel compliance with the provisions of this Article or to compel compliance with any plan approved hereunder. (Prior code 18-168)

ARTICLE IV

Uniform Code for the Abatement of Dangerous Buildings

Sec. 18-4-10. Uniform Code for the Abatement of Dangerous Buildings adopted.

The City hereby adopts the *Uniform Code for the Abatement of Dangerous Buildings*, 1997 edition, published by the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, CA. At least one (1) copy of the *Uniform Code for the Abatement of Dangerous Buildings* is available at the office of the City Clerk. (Prior code 18-181)

ARTICLE V

Building Maintenance and Preservation of Rated and Contributing Structures

Sec. 18-5-10. Findings.

The City Council finds that the City's historical buildings are of significant importance to the overall value, economic vitality and unique character of the City. In so finding, the City Council has identified the need for property owners, agents, lessees and occupants of historic buildings to perform preventive maintenance in order to reduce the likelihood of demolition by neglect or replacement of historic buildings. (Prior code 18-201)

Sec. 18-5-20. Purpose and intent.

The purpose of this Article is to protect rated and contributing structures from decay, deterioration, damage, dilapidation, neglect or negligence in order to:

- (1) Preserve the historical architecture and character of the City;
- (2) Promote and protect the health, safety and welfare of the community; and
- (3) Prevent visual blight that diminishes the contributing status of the building as a rated or contributing structure. (Prior code 18-202)

Sec. 18-5-30. Applicability.

This Article shall apply to all rated and contributing structures and buildings located within the City as such terms are defined in Section 18-2-30 of this Chapter, as may be amended from time to time. References to buildings or structures used herein shall mean rated and contributing structures, as applicable. (Prior code 18-203)

Sec. 18-5-40. Application of other codes.

Nothing in this Article shall be construed to modify, repeal or replace any provision of the International Building Codes, including but not limited to the Uniform Code for the Abatement of Dangerous Buildings, adopted by the City and codified in this Chapter. (Prior code 18-204)

Sec. 18-5-50. Construction.

This Article shall be liberally applied and construed to effectuate the purposes and intent of historic preservation set forth in this Article. (Prior code 18-205)

Sec. 18-5-60. Severability.

If a section, subsection, clause or provision of this Article is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Article. (Prior code 18-206)

Sec. 18-5-70. Administration.

The Building Official and/or Historic Preservation Administrator are authorized and directed to administer the provisions of this Article. The Building Official and/or Historic Preservation Administrator shall have the power to render interpretations of this Article and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purposes of this Article. (Prior code 18-207)

Sec. 18-5-80. Obligation to maintain; minimum requirements.

- (a) All owners shall maintain a rated or contributing structure in good repair and condition.
- (b) It shall be unlawful for an owner of a rated or contributing structure to allow:
 - (1) The deterioration of exterior walls or other vertical supports as evidenced by cracks, moisture damage, warping, broken materials and other signs of decay and rotting;
 - (2) Deteriorated or inadequate foundation affecting its structural integrity;
 - (3) The deterioration of roofs or other horizontal members;
 - (4) The deterioration of external chimneys;
 - (5) The deterioration or crumbling of exterior plasters, mortars, brick, stone or wood siding;
 - (6) The ineffective waterproofing of exterior walls, roof and foundations, including windows and doors;
 - (7) The peeling of paint, rotting, holes and other forms of decay;
 - (8) The lack of maintenance of the surrounding environment, including but not limited to fences, gates, sidewalks, steps, retaining walls, signs and parking lots;
 - (9) The existence of broken windows or unsecured openings; or
 - (10) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition. (Prior code 18-208)

Sec. 18-5-90. Right of entry.

- (a) The Building Official or Historic Preservation Administrator is authorized to enter upon all or any portion of private property to ascertain the existence of a violation of this Article if:
 - (1) Emergency conditions dangerous to the public health, safety or welfare are reasonably believed to exist upon such property or upon property which is accessible from the entered property;

(2) The Building Official or Historic Preservation Administrator has obtained a warrant from the Municipal Judge authorizing such entry;

(3) The private property is vacant and is not posted in a manner that would indicate the owner's prohibition of such access; or

(4) The Building Official or Historic Preservation Administrator has obtained consent of a person who purports to be in ownership, possession or control of the structure or property.

(b) The Municipal Judge shall have the power to issue a search warrant to permit the investigation of the existence of a violation under this Article upon a showing by the Building Official or Historic Preservation Administrator: (1) that there is probable cause that a violation exists; or (2) that, upon information and belief made after reasonable investigation, emergency conditions dangerous to the public health, safety or welfare may exist.

(c) The Building Official or Historic Preservation Administrator is authorized to enter upon private property in the same manner and by the same means as visitors to the property for the purpose of delivering, depositing, posting or otherwise providing a notice or other information necessary to implement or administer this Article. Such entry will customarily involve reaching the front or primary entrance to the property via the driveway, sidewalk, stairs or path. The Building Official or Historic Preservation Administrator shall not enter private property where the owner or person in possession denies consent except where emergency conditions are believed to exist or a search warrant authorizing entry is obtained. (Prior code 18-209)

Sec. 18-5-100. Enforcement.

(a) Notice to correct. Where the Building Official or Historic Preservation Administrator has reason to believe that a property owner has violated Section 18-5-80 above, such official shall send written notice to the property owner, and lessee or tenant, if any, of such violation. The notice to correct shall contain the following:

(1) Description of the property by street address or legal description.

(2) Citation to the specific Subsections under Section 18-5-80 of this Article and identification of conditions for which maintenance is required.

(3) Statement and description of corrective action required to be taken with as much specificity as reasonably possible in order to remove or mitigate the deficiencies identified in Section 18-5-80 of this Article.

(4) The time period in which the noted corrective action must be commenced and/or completed. The time period for such corrective action must be reasonable in light of the work to be performed and shall not be less than thirty (30) days from the date of the written notice.

(5) Information on the right to appeal to the City Council.

(6) Statement of possible enforcement action, including but not limited to abatement, citation into Municipal Court and/or denial or revocation of any applicable permits or licenses.

(b) Service of notice. The notice to correct shall be made upon the record property owner and any tenants or lessees of the structure by personal service or by mailing a copy of such notice to correct by regular and certified mail, postage prepaid, to each such person at his or her address as it appears on the property records of the county in which the structure is located. A copy of the notice to correct shall also be posted in a conspicuous location on the structure or property. Service by certified mail shall be effective on the date of mailing; personal service shall be effective on the date of such service.

(c) Proof of service. Proof of service of the notice to correct shall be certified at the time of service by a written declaration executed by the persons effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail, shall be affixed to the copy of the notice to correct retained by the Building Official or Historic Preservation Administrator.

(d) Compliance with notice to correct. The owner or owner's designee shall repair such building, structure or object within the period of time specified in the written notice to correct so that such structure shall be preserved and protected in accordance with the purposes of this Article. Upon good cause shown, the City may grant an owner's written request for an extension of time in which to complete the repairs, provided that the owner provides written justification and a schedule by which the repairs shall be completed.

(e) Right to appeal. A property owner may appeal in writing to the City Council any notice to correct within thirty (30) days of the date of the notice to correct. The City Council shall consider said appeal within thirty (30) days of the date of the notice of appeal or at the next regular City Council meeting, whichever occurs later. The City Council shall reverse a notice to correct only if it finds that the Historic Preservation Administrator or Building Official had no substantial justification for requiring action to be taken or that the measures required or time periods specified were not reasonable under all of the circumstances. (Prior code 18-210)

Sec. 18-5-110. Penalties.

Any property owner who shall violate a provision of this Article or fail to comply with a notice to correct or any requirement thereof shall be subject to any one (1) or more of the following penalties:

- (1) Prosecution in Municipal Court in accordance with Section 1-4-20 of this Code.
- (2) Denial, revocation or suspension of any license or permit, including but not limited to a business license, gaming device license or building permit.
- (3) Abatement of the condition cited under Section 18-5-80 of this Article in accordance with the procedures for the abatement of nuisances specified in Sections 7-1-50 through 7-1-130 of this Code, except that the references to the Chief of Police therein shall mean, for purposes of this Section, the Building Official or Historic Preservation Administrator. (Prior code 18-211)

Sec. 18-5-120. Municipal Court enforcement.

(a) In any Municipal Court prosecution where it is found that a violation has occurred, the Municipal Court shall impose the following minimum penalty unless the City requests or consents to a lesser or different penalty:

(1) Enjoin or otherwise order the defendant property owner to fully abate and remedy the condition giving rise to the violation within a specified and reasonable period of time.

(2) Fine the defendant property owner for each violation an amount not less than two hundred fifty dollars (\$250.00) nor more than the maximum fine authorized by Section 1-4-20 of this Code for this first violation; not less than five hundred dollars (\$500.00) nor more than the maximum fine authorized by Section 1-4-20 of this Code for the second violation; and not less than seven hundred fifty dollars (\$750.00) nor more than the maximum fine authorized by Section 1-4-20 of this Code for the third and each subsequent violation arising under this Article. No portion of any minimum fine may be suspended or held in abeyance by the Municipal Court.

(3) Order the defendant property owner to forthwith pay restitution to the City for the actual costs or loss caused to the City by the violation, including but not limited to administrative expenses, costs to protect the public from the violation, court costs and attorney fees.

(4) Authorize the City to assess any unpaid costs and expenses for abatement imposed by the Court in Paragraph (3) above as a lien against the owner's property and certify such lien to the County Clerk and Recorder for collection in the same manner as real estate taxes against the property. Each such lien shall have priority over other liens except general taxes and prior special assessments to the extent such priority is not precluded by state law.

(b) In addition to the minimum penalty required by this Section, the Municipal Court shall be authorized to:

(1) Permanently enjoin the defendant property owner from further engaging in the use of the structure or property in a manner that would constitute a violation of this Article;

(2) Find the property owner in contempt of Municipal Court and assess a penalty as specified by the Court, including a fine and/or imprisonment for failure to abide by, comply with or conform to any court order or injunction; and/or

(3) Impose any other penalty authorized by law. (Prior code 18-212; Ord. 13-08 §9, 2013)

Sec. 18-5-130. Failure to pay.

Failure to timely pay an invoice, order or statement of costs issued by the City shall constitute a separate violation under this Article, which shall be subject to the penalties provided in Section 1-4-20 of this Code. (Prior code 18-213)

ARTICLE VI

Flood Damage Prevention

Sec. 18-6-10. Findings of fact.

(a) The flood hazard areas of the City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce, disruption of governmental services and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public safety and welfare.

(b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage. (Ord. 13-15 §1, 2013)

Sec. 18-6-20. Statement of purpose.

It is the purpose of this Article to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to critical facilities, infrastructure and other public facilities such as water, sewer and gas mains; electric and communications stations; and streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Ensure that potential buyers are notified that property is located in a flood hazard area. (Ord. 13-15 §1, 2013)

Sec. 18-6-30. Methods of reducing flood losses.

In order to accomplish its purposes, this Article uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of floodwaters;

(4) Control filling, grading, dredging and other development which may increase flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands. (Ord. 13-15 §1, 2013)

Sec. 18-6-40. Definitions.

Unless specifically defined below, words or phrases used in this Article shall be interpreted to give them the meaning they have in common usage and to give this Article its most reasonable application.

Alluvial fan flooding means a fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

Area of shallow flooding means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with a one-percent chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood Elevation (BFE) means the elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/ AO, V1-V30 and VE that indicates the water surface elevation resulting from a flood that has a one-percent chance of equaling or exceeding that level in any given year.

Basement means any area of a building having its floor sub-grade (below ground level) on all sides.

Channel means the physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

Channelization means the artificial creation, enlargement or realignment of a stream channel.

Conditional Letter of Map Revision (CLOMR) means FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Critical facility means a structure or related infrastructure, but not the land on which it is situated, as further defined and specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado effective January 14, 2011, adopted by the Department of Natural Resources, Colorado Water Conservation Board and adopted herein by reference, that, if flooded,

may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

Development means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DFIRM database means database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

Digital Flood Insurance Rate Map (DFIRM) means a FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

Elevated building means a nonbasement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X and D, *elevated building* also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

Federal Register means the official daily publication for rules, proposed rules and notices of federal agencies and organizations, as well as executive orders and other presidential documents.

FEMA means the Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

Flood control structure means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of water from channels and reservoir spillways;
- b. The unusual and rapid accumulation or runoff of surface waters from any source; or
- c. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Flood Insurance Rate Map (FIRM) means an official map of a community on which the Federal Emergency Management Agency has delineated both the Special Flood Hazard Areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) means the official report provided by the Federal Emergency Management Agency. The report contains the Flood Insurance Rate Map as well as flood profiles for studied flooding sources that can be used to determine Base Flood Elevations for some areas.

Floodplain or *flood-prone area* means any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

Floodplain development permit means a permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this Article.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing means any combination of structural and/or nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (regulatory floodway) means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The statewide standard for the designated height to be used for all newly studied reaches shall be one-half (½) foot (six [6] inches). Letters of Map Revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

Freeboard means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood, such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior; or
 2. Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Revision (LOMR) means FEMA's official revision of an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs) or the Special Flood Hazard Area (SFHA).

Letter of Map Revision Based on Fill (LOMR-F) means FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Levee means a man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA

FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 C.F.R. 65.10.

Levee system means a flood protection system which consists of a levee or levees and associated structures, such as closure and drainage devices which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood-resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured home means a structure transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term *manufactured home* does not include a recreational vehicle.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Mean sea level means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

Material Safety Data Sheet (MSDS) means a form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment and spill-handling procedures.

National Flood Insurance Program (NFIP) means FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable Federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

No-rise certification means a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A no-rise certification must be supported by technical data and signed by a registered Colorado professional engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the Flood Insurance Rate Map (FIRM) or Flood Boundary and Floodway Map (FBFM).

Physical Map Revision (PMR) means FEMA's action whereby one (1) or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations and/or planimetric features.

Recreational vehicle means a vehicle which is:

- a. Built on a single chassis;
- b. Four hundred (400) square feet or less when measured at the largest horizontal projections;
- c. Designed to be self-propelled or permanently towable by a light-duty truck; and
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Special Flood Hazard Area means the land in the floodplain within a community subject to a one-percent-or-greater chance of flooding in any given year, i.e., the 100-year floodplain.

Start of construction means the date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (180) days of the permit date. The *actual start* means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. *Permanent construction* does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the *actual start of construction* means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure just prior to when the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before start of construction of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
- b. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Threshold Planning Quantity (TPQ) means a quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the State that such facilities are subject to emergency planning requirements.

Variance means a grant of relief to a person from the requirement of this Article when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Article. (For full requirements, see Section 60.6 of the National Flood Insurance Program regulations).

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) of the NFIP regulations is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. 13-15 §1, 2013)

Sec. 18-6-50. Lands to which this Article applies.

This Article shall apply to all Special Flood Hazard Areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of the City. (Ord. 13-15 §1, 2013)

Sec. 18-6-60. Basis for establishing Special Flood Hazard Area.

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Gilpin County and the City of Central," dated February 16, 1994, with accompanying Flood Insurance Rate Maps (FIRMs) and any revisions thereto, duly adopted following the effective date of this Article, are hereby adopted by reference and declared to be a part of this Article. (Ord. 13-15 §1, 2013)

Sec. 18-6-70. Establishment of Floodplain Development Permit.

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this Article. (Ord. 13-15 §1, 2013)

Sec. 18-6-80. Compliance.

No structure or land shall hereafter be located, altered or have its use changed within the Special Flood Hazard Area without full compliance with the terms of this Article and other applicable regulations. (Ord. 13-15 §1, 2013)

Sec. 18-6-90. Abrogation and greater restrictions.

This Article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Article and another provision of this Code conflict, whichever imposes the more stringent restrictions shall prevail. (Ord. 13-15 §1, 2013)

Sec. 18-6-100. Interpretation.

In the interpretation and application of this Article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the City; and
- (3) Deemed neither to limit nor repeal any other powers granted to the City under state statutes or the City's Home Rule Charter. (Ord. 13-15 §1, 2013)

Sec. 18-6-110. Warning and disclaimer of liability.

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the Special Flood Hazard Area or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the City or any official or employee thereof for any flood damages that result from reliance on this Article, any administrative decision of the City or any other decision lawfully made hereunder. (Ord. 13-15 §1, 2013)

Sec. 18-6-120. Severability.

This Article and the various parts thereof are hereby declared to be severable. Should any section of this Article be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Article as a whole or any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. 13-15 §1, 2013)

Sec. 18-6-130. Designation of Building Official.

The Building Official is hereby appointed to administer, implement and enforce the provisions of this Article and other appropriate sections of 44 C.F.R. (NFIP) pertaining to floodplain management. (Ord. 13-15 §1, 2013)

Sec. 18-6-140. Duties and responsibilities of Building Official.

Duties and responsibilities of the Building Official shall include, but not be limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this Article in accordance with the Colorado Open Records Act.

(2) Review, approve or deny all applications for Floodplain Development Permits required by the adoption of this Article.

(3) Review Floodplain Development Permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this Article, including proper elevation of the structure.

(6) Where interpretation is needed as to the exact location of the boundaries of the Special Flood Hazard Area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Official shall make the necessary interpretation.

(7) When Base Flood Elevation data has not been provided in accordance with Section 18-6-60 of this Article, the Building Official shall obtain, review and reasonably utilize any Base Flood Elevation data and floodway data available from a federal, state or other source in order to administer the provisions of this Article.

(8) For waterways with Base Flood Elevations for which a regulatory floodway has not been designated, no new construction, substantial improvements or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half ($\frac{1}{2}$) foot at any point within the community.

(9) Under the provisions of 44 C.F.R., Chapter 1, Section 65.12 of the NFIP regulations, a community may approve certain development in Zones A1-30, AE and AH on the community's FIRM which increases the water surface elevation of the base flood by more than one-half ($\frac{1}{2}$)

foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.

(10) Notify adjacent communities and the state coordinating agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

(11) Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. (Ord. 13-15 §1, 2013)

Sec. 18-6-150. Permit procedures.

(a) An application for a Floodplain Development Permit shall be presented to the Building Official on forms furnished by him or her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes and the location of the foregoing in relation to Special Flood Hazard Area. Additionally, the following information is required:

(1) Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;

(2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(3) A certificate from a registered Colorado professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Paragraph 18-6-190(2);

(4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

(5) Maintain a record of all such information in accordance with Paragraph 18-6-140(1) above.

(b) Approval or denial of a Floodplain Development Permit by the City Manager shall be based on all of the provisions of this Article and the following relevant factors:

(1) The danger to life and property due to flooding or erosion damage;

(2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(3) The danger that materials may be swept onto other lands to the injury of others;

(4) The compatibility of the proposed use with existing and anticipated development;

(5) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(6) The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(8) The necessity to the facility of a waterfront location, where applicable;

(9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(10) The relationship of the proposed use to the Comprehensive Plan for that area. (Ord. 13-15 §1, 2013)

Sec. 18-6-160. Variance procedures.

(a) The City Council shall hear and render judgment on requests for variances from the requirements of this Article.

(b) The City Council shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision or determination made by the Building Official in the enforcement or administration of this Article.

(c) Any person or persons aggrieved by the decision of the City Council may appeal such decision in a court of competent jurisdiction, pursuant to C.R.C.P., 106(a)(4).

(d) The Building Official shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(e) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Subsection 18-6-150(b) above have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.

(f) Upon consideration of the factors noted above and the intent of this Article, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Article as stated in Section 18-6-20 of this Article.

(g) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(h) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(i) Prerequisites for granting variances:

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) Variances shall only be issued upon:

a. Showing a good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

(3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the Base Flood Elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(j) Variances may be issued by the City for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

(1) The criteria outlined in this Section are met; and

(2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety. (Ord. 13-15 §1, 2013)

Sec. 18-6-170. Penalties for noncompliance.

Failure to comply with the terms of this Article shall constitute a civil infraction. Any person who is found guilty of, or pleads guilty or nolo contendere to the commission of the civil infraction shall be subject to a civil penalty as set forth in Section 1-4-20 of this Code. For each day or portion thereof during which any violation continues, a person may be cited for a separate civil infraction. The penalties specified in this Section shall be cumulative and nothing shall be construed as either prohibiting or limiting the City from pursuing such other remedies or penalties in an action at law or equity. (Ord. 13-15 §1, 2013)

Sec. 18-6-180. General standards.

In all Special Flood Hazard Areas the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(6) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and

(8) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 13-15 §1, 2013)

Sec. 18-6-190. Specific standards.

In all Special Flood Hazard Areas where Base Flood Elevation data has been provided as set forth in Section 18-6-60, Paragraph 18-6-140(7) or Section 18-6-240 of this Article, the following provisions are required:

(1) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated to one (1) foot above the Base Flood Elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect or land surveyor. Such certification shall be submitted to the Building Official.

(2) Nonresidential construction. With the exception of critical facilities, new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated to one (1) foot above the Base Flood Elevation or, together with attendant utility and sanitary facilities, be designed so that at one (1) foot above the Base Flood Elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered Colorado professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods

of construction are in accordance with accepted standards of practice as outlined in this Subsection. Such certification shall be maintained by the Building Official as set forth in Section 18-6-150 above.

(3) Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

Designs for meeting this requirement must either be certified by a registered Colorado professional engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one (1) foot above grade.
- c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured homes. All manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred substantial damage as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) are elevated to one (1) foot above the Base Flood Elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above Paragraph (4), shall be elevated so that either:

- a. The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) are one (1) foot above the Base Flood Elevation; or
- b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(5) Recreational vehicles. All recreational vehicles placed on sites within Zones A1-30, AH and AE on the community's FIRM either:

- a. Be on the site for fewer than one hundred eighty (180) consecutive days,
- b. Be fully licensed and ready for highway use, or
- c. Meet the permit requirements of Section 18-6-150 above and the elevation and anchoring requirements for manufactured homes in Paragraph (4) above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

(6) Prior approved activities. Any activity for which a Floodplain Development Permit was issued by the City or a CLOMR was issued by FEMA prior to April 15, 2013, may be completed according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this Article if it meets such standards. (Ord. 13-15 §1, 2013)

Sec. 18-6-200. Standards for areas of shallow flooding (AO/AH zones).

Located within the Special Flood Hazard Area established in Section 18-6-60 of this Article, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) Residential construction. All new construction and substantial improvements of residential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated above the highest adjacent grade at least one (1) foot above the depth number specified in feet on the community's FIRM (at least three [3] feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect or land surveyor. Such certification shall be submitted to the Building Official.

(2) Nonresidential construction. With the exception of critical facilities, outlined in Section 18-6-250 below, all new construction and substantial improvements of nonresidential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) elevated above the highest adjacent grade at least one (1) foot above the depth number specified in feet on the community's FIRM (at least three [3] feet if no depth number is specified) or, together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one (1) foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered Colorado professional engineer or architect shall submit a certification to the Building Official that the standards of this Section, as proposed in Section 18-6-150 of this Article, are satisfied.

Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide floodwaters around and away from proposed structures. (Ord. 13-15 §1, 2013)

Sec. 18-6-210. Floodways.

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State has adopted floodway standards that are more stringent than the FEMA minimum standard (see definition of floodway in Section 18-6-40 of this Article). Located within the Special Flood Hazard Area established in Section 18-6-60 of this Article, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado professional engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a no-rise certification) in flood levels within the community during the occurrence of the base flood discharge.

(2) If Paragraph (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 18-6-180 through 18-6-250 of this Article.

(3) Under the provisions of 44 C.F.R., Chapter 1, Section 65.12 of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA. (Ord. 13-15 §1, 2013)

Sec. 18-6-220. Alteration of watercourse.

For all proposed developments that alter a watercourse within a Special Flood Hazard Area, the following standards apply:

(1) Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.

(2) Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.

(3) Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable federal, state and local floodplain rules, regulations and ordinances.

(4) Any stream alteration activity shall be designed and sealed by a registered Colorado professional engineer or certified professional hydrologist.

(5) All activities within the regulatory floodplain shall meet all applicable federal, state and city floodplain requirements and regulations.

(6) Within the regulatory floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a registered Colorado professional engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions floodway resulting from the project, otherwise known as a no-rise certification, unless the community first applies for a CLOMR and floodway revision in accordance with Section 18-6-210 above.

(7) Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished. (Ord. 13-15 §1, 2013)

Sec. 18-6-230. Properties removed from floodplain by fill.

A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), unless such new structure or addition complies with the following:

(1) Residential construction. The lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) must be elevated to one (1) foot above the Base Flood Elevation that existed prior to the placement of fill.

(2) Nonresidential construction. The lowest floor (including basement), electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) must be elevated to one (1) foot above the Base Flood Elevation that existed prior to the placement of fill or, together with attendant utility and sanitary facilities, be designed so that the structure or addition is watertight to at least one (1) foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. (Ord. 13-15 §1, 2013)

Sec. 18-6-240. Standards for subdivision proposals.

(a) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.

(b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements contained in this Article.

(c) Base Flood Elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to Sections 18-6-70 or 18-6-140 of this Article.

(d) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage. (Ord. 13-15 §1, 2013)

Sec. 18-6-250. Standards for critical facilities.

Critical facilities shall be subject to the provisions of Rule 6 of the Rules and Regulations for Regulatory Floodplains as adopted herein by reference and exemptions may be authorized by the Building Official in accordance therewith. All new and substantially improved critical facilities and new additions to critical facilities located within the Special Flood Hazard Area shall be required to meet one (1) of the following:

- (1) Location outside the Special Flood Hazard Area; or
- (2) Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two (2) feet above the Base Flood Elevation.

New critical facilities shall, when practicable as determined by the Building Official, have continuous noninundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event. (Ord. 13-15 §1, 2013)

ARTICLE VII

Standards and Specifications for Design and Construction

Sec. 18-7-10. Title; purpose.

The provisions of the ordinance codified herein shall be known and cited collectively as the "City of Central Standards and Specifications for Design and Construction" or "Design and Development Standards." The Design and Development Standards set forth minimum design and technical criteria to safeguard life or limb, property and public welfare that apply to all proposed construction submitted for approval under the provisions of Chapter 16 or Chapter 17 of this Code. Unless otherwise noted, the adoption includes all supplements to the code. (Ord. 13-06 §1, 2013)

Sec. 18-7-20. Code adopted.

The City adopts by reference the following code:

- (1) City of Central Standards and Specifications for Design and Construction, 2013 Edition, with certain appendices as hereafter set out, as published by the City of Central, 141 Nevada Street, Central City, CO 80427.
- (2) A copy of the City of Central Standards and Specifications for Design and Construction is available on the City's website and at City Hall, 141 Nevada Street, Central City, CO 80427. (Ord. 13-06 §1, 2013)

Sec. 18-7-30. Permit and regulations.

(a) The right-of-way use permit must be obtained at least five (5) days prior to any commencement of construction. Applications may be downloaded from the City website at www.centralcitycolorado.us. The applicant shall submit construction plans, specifications and a written schedule covering the general sequence and staging of the work to be performed on large scale projects. The right-of-way use permit may contain stipulations and must be adhered to or the permit shall be revoked.

(b) Work authorized by this permit shall be performed between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, unless the applicant obtains written permission from the Operations Director to do the work earlier or later than the stated hours or on a weekend.

(c) Once the permit is approved, no change shall be allowed to the schedule or plans without the consent of the City. Permits must be available at the work site, on demand to City personnel at all times. Construction permits expire at the approved scheduled ending date and must be renewed in advance if the bond is not to default.

(d) Any person conducting work within the right-of-way without an approved right-of-way use permit shall be subject to the fines and penalties set forth in Section 18-7-40 of this Article. (Ord. 13-06 §1, 2013)

Sec. 18-7-40. Penalties and fines.

(a) Penalties. Every person convicted of a violation of any provision of this Article shall be subject to the fines and penalties set forth in this Section. Additionally, the violator may be required to replace the graded, excavated or filled land to its original condition.

(b) It is unlawful for any person, firm or corporation to violate any provisions of this Article or any amendment thereof. Any person failing to comply with this Article shall be subject to the fines and penalties as set forth in Section 1-4-20 of this Code. The City may seek restitution for expenses of enforcement or damage to public property. In addition, for any violation of this Article or any condition which may constitute a threat to the public health, safety and welfare or damage to property, the City may:

(1) Issue cease and desist orders to halt a violation of this Article;

(2) Hold further permits related to platting, construction, expansion or operation of a use until the violations are corrected, or until the Municipal Court or other Court of appropriate jurisdiction orders that the hold be lifted;

(3) Revoke permits; or

(4) Issue stop work orders to stop any or all construction activities. (Ord. 13-06 §1, 2013)